IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Smt. Santra Devi Vs. Rajasthan Housing Board & Another
(D.B. Civil Special Appeal (Writ) No.868/1994)

D. B. Civil Special Appeal under Sec.18 of the Rajasthan High Court Ordinance against the order dated 26-9-1994 in SB Civil Writ Petition No.2727/1994.

Date of Judgment: January 17, 2007.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA
HON'BLE MR. JUSTICE R.S.CHAUHAN

Mr. M.M.Ranjan, for the appellants.

Mr. G.C.Garg, for the respondents.

BY THE COURT: (Oral)

Challenge in the instant appeal is to the order dated September 26, 1994 whereby learned Single Judge dismissed the writ petition on the ground that she was provided ample opportunity to make payment but she did not deposit the amount within the stipulated time.

2. The respondent filed the writ petition against the order of cancellation of allotment of the house No.32/365 in Pratap Nagar Scheme Sanganer vide letter dated December 14, 1993. Respondent applied for registration for allotment of the house in LIG category and deposited a sum of Rs.1800/- as registration fee. Allotment letter dated January 20, 1993 was issued, by which she was required to deposit a sum of Rs.42,026/- and the balance amount of Rs.36,906/- was required to be deposited in 168 monthly

instalments. She was also advised to produce the receipt of documents showing the deposit of the amount. The respondent vide letter dated February 15, 1993 gave details of the amount deposited by her and vide letter dated August 30, 1993 informed that three instalments were deposited by her. Since the entire amount was not deposited by respondent steps for cancellation of the allotment were taken and besides the advertisement in news paper the letter dated December 14, 1993 was issued requiring her to deposit the amount by December 25, 1993, failing which the allotment was to be cancelled. After the period of notice, the respondent vide letter dated January 15, 1994 claiming that amount of two instalments were not adjusted and depositing Rs.23,000/- she prayed for 6 or 7 months time to deposit balance amount. However the allotment of respondent was cancelled vide letter dated March 3, 1994. The respondent filed the writ petition claiming adjustment of the deposited amount, not to charge higher cost and to deposit the.

3. We have heard the rival submissions and scanned the material on record.

4. Having scanned the material on record, we notice that the respondent served a notice to the appellant to submit details of the amount deposited by her and last opportunity was given to her to make payment by December 25, 1993. Since the appellant failed to deposit the amount within the stipulated time, in this view of the matter learned Single Judge dismissed the writ petition. We see no infirmity in impugned order of the learned Single Judge.

5. For these reasons, the instant appeal being devoid of merit stands dismissed without any order as to costs.

(R.S.Chauhan),J. (Shiv Kumar Sharma)J.

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